

AMENDED IN SENATE MAY 10, 2006
AMENDED IN SENATE APRIL 24, 2006
AMENDED IN SENATE APRIL 18, 2006

SENATE BILL

No. 1454

Introduced by Senator Torlakson

February 23, 2006

An act to repeal Sections 32050 and 32051 of the Education Code, and to add Section 245.6 to the Penal Code, relating to hazing.

LEGISLATIVE COUNSEL'S DIGEST

SB 1454, as amended, Torlakson. Crimes: hazing.

Existing law codifies within the Education Code the definition of hazing and imposes criminal penalties on persons who haze.

This bill would repeal the Education Code hazing provisions and instead codify within the Penal Code a new definition of hazing and prescribe misdemeanor and felony penalties, as specified. This bill would also allow a person to bring a civil action for injury or damages against individuals who participate in, or organizations who authorize, the hazing.

Because this bill would change the definition of a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 32050 of the Education Code is
2 repealed.
3 SEC. 2. Section 32051 of the Education Code is repealed.
4 SEC. 3. Section 245.6 is added to the Penal Code, to read:
5 245.6. (a) It shall be unlawful to engage in hazing, as defined
6 in this section.
7 (b) “Hazing” means any method of initiation or preinitiation
8 into a student organization or student body, whether or not the
9 organization or body is officially recognized by an educational
10 institution, which causes, or is likely to cause, serious bodily
11 injury to any pupil or other person attending any school,
12 community college, college, university, or other educational
13 institution in this state. The term “hazing” does not include
14 customary athletic events or school-sanctioned events.
15 (c) A violation of this section that does not result in serious
16 bodily injury is a misdemeanor, punishable by a fine of not less
17 than one hundred dollars (\$100), nor more than five thousand
18 dollars (\$5,000), or imprisonment in the county jail for not more
19 than one year, or both.
20 (d) Any person who personally engages in hazing that results
21 in death or serious bodily injury as defined in paragraph (4) of
22 subdivision (f) of Section 243 of the Penal Code, is guilty of
23 either a misdemeanor or a felony, and shall be punished by
24 imprisonment in county jail not exceeding one year, or by
25 imprisonment in the state prison.
26 (e) The person against whom the hazing is directed may
27 commence a civil action for injury or damages. The action may
28 be brought against any participants in the hazing, or any
29 organization *to which the student is seeking membership* whose
30 agents, directors, trustees, managers, or officers authorized,
31 requested, commanded, participated in, or ratified the hazing.
32 (f) Prosecution under this section shall not prohibit
33 prosecution under any other provision of law.

1 SEC. 4. This act shall be known and may be cited as “Matt’s
2 Law” in memory of Matthew William Carrington, who died on
3 February 20, 2005, as a result of hazing.

4
5 Matt's Law
6

7 SEC. 5. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the
12 penalty for a crime or infraction, within the meaning of Section
13 17556 of the Government Code, or changes the definition of a
14 crime within the meaning of Section 6 of Article XIII B of the
15 California Constitution.

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